

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 631 - HB 749

April 12, 2021

SUMMARY OF ORIGINAL BILL: Increases, from 10 to 12 working days, the time period after receiving a written appeal, that the state fire marshal must issue a decisive ruling over a conflict between a county and a city regarding a building or fire code issue that involves a county building located within a city.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (006726, 006934): Amendment 006726 deletes all language after the enacting clause. Effective September 1, 2021, prevents the State Fire Marshal's Office (SFMO) from discriminating against or favoring particular construction materials or techniques in building construction standards. Effective upon becoming a law, authorizes a local government to adopt a regulation, code, or ordinance pertaining to construction materials by ordinance or resolution for one and two-family dwellings.

Amendment 006934 adds language to amendment 006726 that establishes an ordinance or resolution pertaining to construction materials adopted by a local government does not limit the professional judgement of a design professional with respect to electrical, mechanical, or plumbing standards.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 68-120-101, the State Fire Marshal establishes minimum statewide building standards for the design, construction, alteration, and repair of state, municipal, county, and private buildings. The standards are prohibited from discriminating against or favoring a particular construction material or technique.

- The SFMO will not lose any regulatory authority and will not be significantly impacted.
- Pursuant to Tenn. Code Ann. § 68-120-101(b), a county or municipality can vote to exempt the local entity from statewide building standards for one and two-family dwellings.
- The proposed legislation establishes that a regulation, ordinance, or code adopted cannot prohibit a particular building material that is approved by a national building code or the SFMO. Any such regulation is required to contain a provision allowing for the waiver of the adopted regulation.
- Authorizing a local government to pass an ordinance or resolution pertaining to construction materials will not significantly impact the current exemption authorization from statewide building standards for one and two-family dwellings afforded to local governments; therefore, the fiscal impact to state and local government is not significant.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation establishes that a regulation, ordinance, or code adopted by a local government cannot prohibit a particular building material that is approved by a national building code or the SFMO. Any such regulation is required to contain a provision allowing for the waiver of the adopted regulation.
- No significant impact to jobs or commerce in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/ar